2. The Changes in the 2006 NPDES Permit Resulted from a Misinterpretation of EPA's Position with Respect to POTWs

Further, the basis for the change to a different monitoring point by the Regional Board was based on a misinterpretation of the EPA's position on the issue. The change in monitoring location was a Regional Board staff decision made after the start of construction and was asserted by Regional Board staff to be supported by EPA. However, it is clear that EPA's concern was with POTWs:

> We understand that the discharger prefers the point of compliance be determined at the outfall, however we support the Regional Board's determination that compliance should be determined at the individual treatment plants. Secondary treatment is a technology-based standard and should be met after the treatment process. According to the Clean Water Act (CWA), all [POTWs] must meet effluent limitations for secondary treatment . . . .

Letter from Douglas E. Eberhardt to David Hanson dated December 8, 2004 (attached as Attachment 3).

EPA did not make any observations with respect to the GRF, which, as discussed above, is clearly not a POTW. The 2006 NPDES Permit specifically addressed EPA's concerns with POTWs: "Effluent monitoring has been required for each of the wastewater treatment plants prior to discharge into the Ocean Outfall collection system to determine compliance with the applicable technology-based effluent limitations, including the percent removal requirements for POTWs." 2006 NPDES Permit, at F-44. Such technology-based effluent limitations are referenced as "...technology-based standards for POTW performance are promulgated at 40 C.F.R. Part 133 and expressed as 30-day averages and 7-day averages for BOD5, CBODs and TSS...." *Id.*, at F-41. No similar explanation is given for the monitoring requirements at the GRF.

Regional Board staff appears to have misinterpreted EPA's support for POTW compliance to extend to ***all*** facilities subject to the 2006 NPDES Permit, including the GRF. This erroneous and arbitrary application of EPA policy to the GRF is not supported by law and should not be sustained. As such, SOCWA and SCWD submit that the 2006 NPDES Permit should be modified to correct this misinterpretation of EPA's position with respect to POTWs.

3. There is No Discharge to Waters of the United States at the GRF

As noted above, prior to redirecting the brine effluent to the Latham Plant, the GRF discharged brine effluent via a 18" PVC line into the Chiquita Canyon land outfall which is a 42" ductile iron pipeline at the point of connection to the GRF. In turn, the Chiquita Canyon pipeline joins with the SJCOO upstream of the actual outfall point. As such, the GRF discharge never entered any water body until it reached the very end of the SJCOO.

Under the Clean Water Act ("CWA"), the term "effluent limitation" is defined quite broadly, as "any restriction . . . on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean." 40 C.F.R. § 122.2. Further, the federal regulations define "discharge" as "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'...." 40 C.F.R. §122.2. The CWA defines the term waters of the United States as "navigable waters" meaning "the waters of the United States, including the territorial seas." 33 U.S.C. § 1362(7).

The Supreme Court's decision in the consolidated cases of *Rapanos v. United States and Carabell v. United States* 547 U.S. 715 (2006) (herein referred to simply as "*Rapanos*") further addressed the jurisdiction over waters of the United States under the Clean Water Act 33 U.S.C. §1251 *et. seq.* Four justices, in a plurality opinion authored by Justice Scalia, rejected the argument that the term "waters of the United States" is limited to only those waters that are navigable in the traditional sense and their

abutting wetlands. *Rapanos*, 547 U.S. at 717. The plurality concluded that the agencies' regulatory authority should extend only to "relatively permanent, standing or continuously flowing bodies of water" connected to traditional navigable waters, and to "wetlands with a continuous surface connection to" such relatively permanent waters. *Id.* It is clear that empowered agencies can and do assert jurisdiction over "non-navigable tributaries" of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (*e.g.*, typically three months). A "tributary" includes natural, man-altered, or man-made water bodies that carry flow directly or indirectly into a traditional navigable water. *Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States*, USEPA, December 02, 2008, page 6, fn 24.

Even under these broad definitions, the ***pipeline carrying the brine discharge*** is not a "navigable water," "non-navigable tributary," or "water body" by any stretch of the imagination. Further the "discharge" to waters of the United States occurs at the SJCOO, ***not*** at the 2006 NPDES Permit mandated monitoring point, *i.e.*, the GRF. Therefore, the 2006 NPDES Permit should not have imposed effluent limitations at the GRF.

**B. New Information Not Available at the Time of Permit Issuance**

1. <u>There was No Information at the Time of the 2006 NPDES Permit Issuance Regarding the Operational Aspects of the GRF</u>

At the time of the 2006 NPDES Permit issuance, construction of the GRF was not complete and it was unclear how the GRF would perform in light of the poor groundwater quality. It was also unclear whether the GRF could meet the effluent limits imposed by the permit.

Between June 2007 and February 2008, ECO Resources, Inc. operated the GRF. During this period, the facility was operating only sporadically as adjustments were made to the operations to address start up issues including the sampling of effluent. For example, in December 2007, the total runtime of the facility was approximately 4.97 days and in January 2008, the GRF had a total runtime of approximately 4.75 days. The facility began 24/7 operations approximately March 5, 2008, and even after that date, the GRF had periods of shut down due to equipment issues.

SCWD was aware of exceedances of the 2006 NPDES Permit for total suspended solids ("TSS"), settleable solids ("SS"), and turbidity during the start up period, but it did not know if it was an operational issue or a sampling issue. For example, in September 2007, SOCWA reported to the Regional Board that the test results for August 2007 "were substantially higher than the feed water from the source well." Letter from Thomas R. Rosales to John H. Robertus dated September 27, 2007 (attached as Attachment 4). In October 2007, SOCWA reported to the Regional Board that SCWD had redesigned the sampling location at the GRF to obtain more representative samples of the discharge and that the facility had been "off-line since the change to the sampling location." Letter from Thomas R. Rosales to John H. Robertus dated October 29, 2007 (attached as Attachment 5).

In the December 2007 time period, it became clear that the quality of the brackish water from the basin was going to routinely result in a brine discharge with remarkably higher TSS than previously expected. This new information led SCWD to develop the solution that SCWD eventually implemented, *i.e.*, the installation of a holding tank and diversion of the brine flow via pipe to the sewer system for disposal through the Latham Plant at a cost of over $200,000.

2. <u>New Information Concerning the Impact of the GRF's Brine Discharge on the Latham Plant has Emerged</u>

SOCWA is in the final phase of design for constructing a 7.0 million gallon per day tertiary treatment facility at the Latham Plant to provide a sustainable source of recycled water. This future recycled water project is an important link in the potable water resource chain for South Orange County because, like SCWD's GRF, it will significantly reduce the need to import water into the region from great distances.

The diversion of the brine from the GRF to the sewer system contributes an additional 200 mg/L to the Latham Plant's effluent total dissolved solids concentration. The SCWD GRF brine discharge to the Latham Plant will result in high concentrations of TDS affecting the quality of recycled water produced by the planned recycled water project. This situation will be exacerbated with the introduction of Phase II of the GRF. As discussed herein, the brine discharge from the GRF will affect the quality of the recycled water produced at the Latham Plant. Consequently, limitations on the amount of brine the GRF can divert to the Latham Plant will affect the amount of brackish groundwater which may be processed by the GRF. In other words, diversion of the brine to the sewer not only affects the ability of the Latham Plant to produce recycled water, it also affects the local water supply infrastructure by reducing the amount of potable water produced by the GRF. This unintended consequence contravenes the State Board's Recycled Water Policy (adopted February 3, 2009). In its Recycled Water Policy, the State Board declared that it "will achieve [its] mission to 'preserve, enhance and restore the quality of California's water resources to the benefit of present and future generations,'" and it "strongly encourage[s] local and regional water agencies to move toward clean, abundant, local water for California by emphasizing appropriate water recycling, water conservation, and maintenance of supply infrastructure and the use of stormwater (including dry-weather urban runoff)...."

In stark contrast, discharge of the GRF brine effluent to the SJCOO did not and would not result in any significant environmental impact or compromise any recycled water project. Note that abatement of the GRF's brine discharge to the SJCOO does not result in compliance at the SJCOO because ***the SJCOO was in compliance even with the brine effluent.*** The GRF's contribution of TSS to the SJCOO was approximately 1.1 mg/L. The average outfall TSS concentration over the period of GRF discharge was 11.5 mg/L which was well under the standard permit limit of 30 mg/L. Therefore, the GRF's contribution to the SJCOO was nominal and did not result in any significant environmental impact. *See* eGIS Letter, at 7.

The brackish water pumped by the GRF represents the final opportunity for the region to collect, treat, and reuse the underlying San Juan Basin groundwater for potable purposes, before the water flows underground to the Pacific Ocean. It simply does not make sense to discharge the brine from the water to the sewer where it must be processed and it will result in highly salinic recycled water when in the absence of the GRF, the brackish groundwater would reach the ocean naturally.

## III. Other NPDES Permits Allow Brine Discharge to be Blended at Outfalls

The arbitrariness of the Regional Board's policy requiring SCWD to sample at the GRF is further demonstrated by the fact that it has not been consistently executed by the Regional Board or other regional boards in the state. The Central Coast Regional Board, in particular, has made it very clear that its policy is to promote the benefits of recycled water production by specifically diverting brine discharge directly to POTW outfalls where commingled discharge is monitored for compliance with the Ocean Plan.

### A. Oceanside

The City of Oceanside operates a Brackish Groundwater Desalination Facility ("BGDF") that treats groundwater extracted from the Mission Hydrologic Subarea for potable uses. The facility provides treatment consisting of pH adjustment, filtration, and demineralization by reverse osmosis. The BGDF disposes waste brine to the Oceanside Ocean Outfall ("OOO") under NPDES Permit CA0107433 (Order Number R9-2005-0136) ("Oceanside Permit"), which is managed by the Regional Board. Waste effluent from the San Luis Rey Wastewater Treatment Plant ("SLRWTP") and La Salina Wastewater Treatment Plants ("LSWTP") is also discharged to the OOO under this NPDES permit. Discharges from these facilities and the BGDF are also commingled with discharge from the Fallbrook Public Utility District, U.S. Marine Corps Base Camp Pendleton and the Biogen IDEC Pharmaceuticals Corporation. *See* eGIS Letter, at 9.

Unlike the outfall monitoring requirements for the SCWD GRF, brine effluent to the OOO is not monitored directly from the BGDF. Instead, monitoring location M-003 characterizes the comingled effluent from the numerous contributors to the OOO including the BGDF. In other words, the waste brine is monitored at the outfall rather than the facility, exactly the condition described in the 2000 NPDES Permit under which the SCWD GRF was designed, yet the BGDF can clearly operate without any violation.

### B. Monterey

The Monterey Regional Water Pollution Control Agency ("MRWPCA") discharges up to 81.2 MGD of secondary treated wastewater and brine waste from its Regional Treatment Plant ("RTP") to the Monterey Bay via a diffuser approximately 11,260 feet offshore. This discharge is performed under NPDES permit CA004851 (Order R3-2008-0008) ("Monterey Permit") issued by the Central Coast Regional Board. According to the NPDES documents, regional, commercial, and industrial wastewater is conveyed to the RTP, which is treated and comprises the majority of the secondary treated wastewater. The MRWPCA also accepts 30,000 to 50,000 gallons per day of brine wastes that include softener regenerant waste, groundwater nitrate removal brine and reverse osmosis brines. These brines are trucked to the RTP from businesses that would otherwise dispose these wastes to the sanitary sewer. The brine wastes are held at the RTP in a 375,000-gallon, lined holding pond and are ultimately discharged or blended with secondary treated wastewater from the RTP before being discharged to the diffuser. As such, like the Oceanside BGDF, the brine wastes are discharged to the outfall. *See* eGIS Letter, at 7-8.

The Monterey Permit further clarifies that "brine waste samples shall be collected as grab samples and manually composited per the Discharger's current brine waste and outfall facility configuration and sampling protocols." *See* eGIS Letter, at 8. Based on this information and the monitoring points identified in the NPDES documentation, although brine influent is sampled, brine effluent from the RTP is not monitored individually, but is instead monitored as part of the total blended effluent at location EFF-001. *Id.* Sampling of brine is conducted solely to determine how much of the blended secondary effluent is needed so that discharges to the outfall will meet permit conditions.

Furthermore, as noted in the Monterey Permit, during the dry season the facility "is recycling essentially 100% the wastewater flow less what is needed for blending with brine wastes." *Id.* Under this permit, the facility blends secondary treated effluent with brine as needed to meet the permit conditions for brine waste discharges. The permit contains a single set of water quality based effluent limitations ("WQBELS") that are consistent with the Ocean Plan and applicable to any ratio of blended secondary

effluent and brine waste flows, and dictate the amount of secondary effluent required for blending with brine waste. *Id.*

Moreover, it is not unprecedented for a groundwater recovery facility to be held to a different standard from POTWs and other industrial discharges. For example, Lower Sweetwater River Basin Groundwater Demineralization Plant (NPDES Permit CA0108952, Order No. R9-2004-0111) discharges brine concentrate from a reverse osmosis system and the discharge is considered "innocuous nonmunicipal wastewaters." Clearly, flexibility exists to address situations like this. The brine discharge from a groundwater recovery facility should not be cast in the same category as industrial process waste, and the focus should be on protection of the beneficial uses of the receiving water. Discharge of the brine effluent from the GRF to the SJCOO simply does not compromise the beneficial uses of the receiving waters from the SJCOO and as such, it should have been allowed.[8]

[8] Recently, the Regional Board re-approved and extended the San Diego Point Loma Plant NPDES Permit which waives full secondary treatment of wastewater in favor of an enhanced monitoring program. This waiver allows the discharge of 46,000 pounds of wastewater solids (including SS, TDS and turbidity) per day to the Pacific Ocean. In contrast, the discharge from the GRF adds 289 pounds of innocuous iron and manganese salts per day. This disparate regulatory application by this Regional Board is patently unfair.

## IV. Monitoring Requirements at the GRF are Not Precluded by Moving the Point of Compliance Back to the SJCOO

At the Regional Board hearing of May 13, 2009, Mr. Robertus indicated that one of the reasons why the monitoring point had to be moved was because of the need to obtain information. This is not true. Collecting information at any given point is not connected to having a monitoring point for the purposes of discharge requirements.

> Mr. Robertus said: (p. 68, ll. 14-23) The convenience of an existing o– ocean outfall is the obvious you know, way to get rid of it, but if – so far, this Board, when you put brine into an ocean outfall, we have individual permits, so that if there is an exceedence in the comingled effluent, the, the, the al–the alternative would be to have mandatory minimum penalties against everybody who uses the outfall and that not, not workable, so I just wanted to clarify that.

A regional board has authority to require monitoring without assessing penalties for violations because it has authority to require monitoring by people who are proposing to discharge but have not yet done so. A regional board may require monitoring by a person who proposes to discharge effluent or other regulated activity. Water Code § 13383(a) provides that ". . . a regional board may establish monitoring, inspection, entry, reporting, and recordkeeping requirements, . . . , for any person who discharges, or proposes to discharge, . . . or proposes to own or operate a publicly owned treatment works or other treatment works treating domestic sewage, . . . or proposes to use or dispose of sewage sludge." Under this provision, the regional boards may require a potential discharger to "establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required." Water Code § 13383(b).

Furthermore, SOCWA would voluntarily perform said monitoring if the Regional Board requested it. Therefore, under any circumstances, the concern expressed by Mr. Robertus can be dealt with and does not afford a basis for denial of the requested modification.

## V. The Members of the Regional Board Have Expressed Concerns About the Appropriateness of the Standards Applicable to the GRF in the 2006 NPDES Permit

At the Regional Board hearing of May 13, 2009 (transcript attached as Attachment 6), the issue of certain penalties assessed against SOCWA/SCWD regarding the brine discharge were discussed. Many of the facts discussed herein were put forth as reasons why the penalties should not be assessed. These issues clearly support the positions asserted for the modification of the 2006 NPDES Permit as requested herein.

**A. Page 26, Lines 2-6**
**Page 29, Lines 9-14**
**Page 29, Lines 20-22**
**Page 31, Lines 13-15**

(Mr. Wright) According to the Clean Water Act, all POTWs must meet effluent limitations for a secondary treatment. Clearly, again, the concern was with POTWs and there is no mention of any type of Groundwater Recovery Facility.

(Mr. Wright) We strong–we firmly believe that MMPs were never intended to apply to groundwater recovery and water recycling facilities. The difference between the GRF and a POTW is that a GRF simply does not treat any wastewater.

(Mr. Wright) In contrast, the GRF's brine effluent, effluent is simply a concentrated form of the natural constituents in groundwater.

(Mr. Wright) Without the GRF, this groundwater would have likely flowed to the ocean an--anyway.

**B. Page 77, Lines 7-19**

(Mr. Loveland) . . . but I do have a concern . . . but the solution we have now of adding the brine to the POTW, which is producing recycled water and raising that TDS seems like the wrong way to do it. And yet, if we're – if we're discharging the combined effluent that meets the requirements, which seems we'll kill a couple of birds with a rock, by, by allowing that, and I'm not sure why we're not thinking of that in the big picture.

**C. Page 81, Lines 9-15**

(Mr. Anderson) I'm not totally convinced that these MMPs apply, and I, I think it's a shame that we – we're going to probably penalize some [sic] a water district who's trying to do the right thing here, and I just think that you know, we need to consider this before we take this action today, so.

**D. Page 83, Lines 7-25**
**Page 84, Lines 16-25**

(Mr. Thompson) I also read into that that there really was no intent of the legislature to be punitive, either, to the extent that you are taking, essentially, an organization that's working very hard to, to correct the problems they have that have been identified through the process of, of starting up and implementing the requirements of the NPDES permit that they originally issued, and it kind of goes back to the same argument

before, concerning when your treading new ground, you don't know where you're going to end up until you get there, and now, we're talking about mandatory penalties that I don't really think were intended to mean this. I think they were intended to really mean we need to penalize people that are – that are – that are being unresponsive. And in my case, I think that I feel they've been responsive.

(Mr. Thompson) I think there is some room for interpretation concerning whether or not if - - if a [Time Schedule Order] had been in place, that these penalties might be less, and that is a process issue. If . . . you're accruing penalties that, that short of shutting down the plant entirely when they're still trying to figure out exactly what they have it is the catch 22.

## VI. Conclusion

The GRF is neither a POTW nor an industrial discharger. It simply extracts brackish local groundwater and treats it for potable use. Given the State's severe water shortage, the GRF is the very type of facility that is encouraged by the Regional and State Boards. The GRF does not treat wastewater, or create discharge from industrial processes. As such, it should not be treated like a POTW or an industrial discharger, *i.e.*, it should not be subject to the standards set forth in the Ocean Plan. Moreover, the GRF simply does not discharge into "Waters of the United States," and thus, it should not be subject to effluent limitations under the Clean Water Act. The appropriate point of compliance is at the SJCOO where the effluent does, in fact, discharge to "Waters of the United States." Because the brine effluent from the GRF would not impact the SJCOO and brine discharge would enter the ocean (which is naturally saline), it is clearly the best facility to receive the brine effluent. This makes much more sense than discharging the brine to the Latham Plant which was not designed to treat brine effluent. Moreover, the impact of the brine effluent discharged to the Latham Plant is significant as the brine affects the salinity/quality of the recycled water. As such, SOCWA and SCWD respectfully request that the Regional Board modify the 2006 NPDES Permit to impose effluent limits at the SJCOO rather than at the GRF.

# ATTACHMENT 1

cc: Betty

**MWD**
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

*Executive Office*



October 27, 2008

Mr. Michael P. McCann
Assistant Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Dear Mr. McCann:

South Coast Water District Groundwater
Recovery Facility – NPDES No. CA0107417 Permit Order No. R9-2006-0054

We understand that the California Regional Water Quality Control Board, San Diego Region (Regional Board) issued an administrative civil liability against South Coast Water District's (SCWD) Groundwater Recovery Facility (GRF) and recommended penalties for violating effluent limitations contained in their waste discharge requirements. The Metropolitan Water District of Southern California would like to express support for SCWD's request that the Regional Board approve an amendment to their NPDES permit that would allow compliance to be determined at the San Juan Creek Ocean Outfall, rather than at the GRF.

Compliance at the outfall would provide a better measure of ocean impacts caused by the GRF. The GRF discharges about 230,000 gallons per day, which represent about one percent of the total flow discharged to the ocean via the Outfall. Because of the GRF's small contribution to the outfall flow, we suggest the Regional Board consider its impact to the ocean when mixed with other discharges from wastewater treatment plants.

Amendment to the NPDES permit would allow for continued operation of the GRF, which is capable of delivering up to 1,300 acre-feet of otherwise unusable groundwater, thereby increasing the regional water supply reliability. Through Metropolitan's Local Resources Program, we provide financial incentives for the development of new water recycling and groundwater recovery projects, such as GRF, which in turn reduces demand for imported water supplies and help address significant water supply challenges.

Early in June, Governor Schwarzenegger declared a statewide drought and ordered the State Department of Water Resources to coordinate with other state and federal agencies to help identify risks to water supply. In addition, there are uncertainties in State Water Project

operations over the next several years. Deliveries from the State Water Project, which serves two-thirds of the state, have recently been curtailed due to environmental and regulatory actions. Hence, maintaining operation of the GRF is of great value to Southern California and would help the region contend with water supply shortage conditions.

We urge the Board to consider moving SCWD's compliance point to the San Juan Creek Ocean Outfall. We believe the proposed amendment would be practical and more representative of the ocean impacts when combined with other discharges from Publicly Owned Treatment Works.

We would be happy to meet with your agency and SCWD if we can be of any help.

Sincerely,

Jeffrey Kightlinger
General Manager

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cc: Mr. Kevin Hunt
General Manager
Municipal Water District of Orange County
18700 Ward Street
Fountain Valley, CA 92708

Mr. Michael Dunbar
General Manager
South Coast Water District
P. O. Box 30205
Laguna Niguel, CA 92607-0205

# ATTACHMENT 2

eGIS
Environmental & GIS Services, LLC

April 20, 2009

Ms. Betty Burnett
Assistant General Manager/District Counsel
South Coast Water District
31592 West Street
Laguna Beach, CA 92651

**Subject:** **Technical Memorandum**
**Evaluation of Discharge Impacts from the**
**South Coast Water District's Groundwater Recovery Facility and**
**Comparison of NPDES Permits for Other Facilities**

Dear Ms. Burnett:

At the request of the South Coast Water District (SCWD), Environmental & GIS Services, LLC (eGIS) assisted SCWD with the evaluation of the discharges from the SCWD Groundwater Recovery Facility (SCWD GRF). Specifically, eGIS reviewed the impacts on the combined San Juan Creek Ocean Outfall (SJCOO) effluent by discharges from the SCWD GRF and compared the National Pollution Discharge Elimination System (NPDES) permit requirements for the SCWD GRF to NPDES permits issued for other facilities with discharges to ocean outfalls. This technical memorandum summarizes the findings of the evaluation.

## BACKGROUND

The following presents a summary of the SCWD GRF treatment facility operations, the raw water quality at the SCWD GRF, and the discharge and NPDES requirements for the SCWD GRF.

### Summary of GRF Treatment

The SCWD GRF treats low quality groundwater removed from the San Juan Valley Groundwater Basin (SJV Groundwater Basin) to produce drinking water that is distributed to SCWD customers. The GRF water treatment process primarily consists of reverse osmosis (RO) treatment and iron/manganese removal. The GRF system is summarized as follows:

- **Groundwater well and sand filter** – An on-site groundwater well extracts brackish water from an underground aquifer (the raw water quality is discussed further in the following section). Minimal sand present in the removed water is removed via a sand filter.

**RO Treatment**– The majority of the water provided to the SCWD GRF plant by the on-site well undergoes reverse osmosis treatment and is pre-treated prior to entering the RO system. During pre-treatment, a threshold inhibitor is added to prevent minerals from building up on the fine RO membranes, and cartridge filters within two stainless steel containers remove suspended particles from the water. Following pre-treatment, the water is forced through the fine membranes of the RO system to separate dissolved solids from the water.

**Iron/Manganese-Removal** – Due to the presence of high concentrations of iron and manganese in the groundwater, approximately 17-percent of the raw water passes through an iron and manganese removal system to be used as blend flow. The iron and manganese removal system consists of sodium hypochlorite dosing and greensand filtration. Water from this treatment system is blended with water treated by the RO system.

**Decarbonation** – Groundwater treated by RO and iron and manganese removal is blended and sent to the forced-air decarbonator which removes excess carbon dioxide from the water.

**Post-Treatment** – To disinfect the water, sodium hydroxide, aqueous ammonia and sodium hypochlorite are added to the water.

**Potable Water Tank** – Before the potable water is distributed in the SCWD system, it is held temporarily in a 20,000-gallon, underground concrete storage tank (also called a clear well) to allow chloramines to form. Three high-power pumps convey the potable water to the distribution system.

**Air Gap** – The air gap structure prevents the return of brine/backwash into the facility.

**GRF Raw Water Quality**

At present, the SCWD GRF treats groundwater extracted from one on-site groundwater well. The SCWD and the well are located within the SJV Groundwater Basin. Prior to the use of treatment technologies such as those at the SCWD GRF, low water quality in this basin had previously been a barrier to viable potable groundwater production. According to the California Department of Water Resources (DWR), Groundwater Bulletin 118, "...groundwater mineral content is variable in this basin...in general, [total dissolved solids] TDS content in groundwater increases from below 500 mg/L in the upper reaches of the valleys to near 2,000 mg/L near the coast..."[1] Additionally, according to the basin report within the Southern California Metropolitan Water District's (SCMWD) Groundwater Assessment Study, "except for the Upper San Juan, the TDS of most of the groundwater in storage in the main part of the groundwater basin is too

[1] DWR, 2004. Groundwater Bulletin 118, Hydrologic Region South Coast, San Juan Valley Groundwater Basin.

high for domestic water use."[2] The SCMWD also identified TDS, iron, manganese and sulfate as key constituents of concern in the SJV Groundwater Basin.

Laboratory analyees of raw groundwater shows influent at the SCWD GRF exhibits the following:

Table 1
Summary of Raw Groundwater Quality
SCWD GRF Facility

| Parameter | Result | Units |
|---|---|---|
| Iron (Fe) | 5.9 - 8.3 | mg/L[3] |
| Manganese (Mn) | 1.0 - 1.2 | mg/L |
| Sulfate | 590 - 1,180 | mg/L |
| TDS | 2,080 - 2,240 | mg/L |

As shown above, source water for the SCWD GRF exhibits high concentrations of iron, manganese, sulfate and TDS, consistent with the expected condition for this location in the basin.

**Summary of GRF Discharge and Original Ocean Outfall NPDES REQUIREMENTS**

The SCWD GRF generates waste brine primarily from the RO and iron and manganese treatment systems. The facility also generates backwash discharge. The SCWD GRF was originally designed and constructed to dispose of facility effluent to the ocean via the San Juan Creek Ocean Outfall (SJCOO) under NPDES permit CA 0104717 (Order Number R9-2000-0013, April 12, 2000) issued by the San Diego Office of the California Regional Water Quality Control Board (RWQCB). According to this order, the requirements for effluent discharge from the outfall are based on the 1997 California Ocean Plan.

This original permit described the disposal of the waste stream from the planned SCWD GRF as the following: "...0.32 M [million] gallons/day will be discharged through the Chiquita Land Outfall to the [South East Reclamation Regional Authority] SERRA Ocean Outfall."[4] In addition to the SCWD GRF, the following additional facilities were included in this permit and discharged to the ocean outfall:

- SERRA Jay B. Latham Regional Treatment Plant (JBL RTP)
- City of San Clemente WRF (CSC WRF)
- SMWD Chiquita Water Reclamation Plant (SMWD Chiquita WRP)
- Moulton Niguel Water District (MNWD) 3A Reclamation Plant (MNWD 3A Plant)

[2] SCMWD, 2007. Groundwater Assessment Study: A Status Report on the Use of Groundwater in the Service Area of the Metropolitan Water District of Southern California, Chapter IV, Groundwater Basin Reports.
[3] mg/L – milligrams per liter (also parts per million)
[4] The SERRA Ocean Outfall was later named the SJCOO

- Santa Marguerita Water District (SMWD) Oso Creek WRP

According to the Monitoring and Sampling plan included in the original permit (Order Number R9-2000-0013), the combined effluent was sampled at a point "...downstream of any in-plant return flows, and disinfection units, where representative samples of the effluent discharged through the ocean outfall can be obtained." The combined effluent limitations for this original permit were the following:

**Table 2**
**Summary of Original Ocean Outfall Effluent Discharge Requirements**
**(Order Number R9-2000-0013)**

| Parameter | Period | Effluent Limitation | Units |
|---|---|---|---|
| TSS | Avg. Monthly | 30 | mg/L |
| | Avg. Weekly | 45 | mg/L |
| | Instantaneous Max. | 50 | mg/L |
| Settleable solids | Avg. Monthly | 1.0 | mg/L |
| | Avg. Weekly | 1.5 | mg/L |
| | Instantaneous Max. | 3.0 | mg/L |
| Turbidity | Avg. Monthly | 75 | NTU[6] |
| | Avg. Weekly | 100 | NTU |
| | Instantaneous Max. | 225 | NTU |

## CURRENT SJCOO NPDES REQUIREMENTS

During construction of the SCWD GRF, the original NPDES permit (Order Number R9-2000-0013) was superseded by Order Number R9-2006-0054 (August 16, 2006). According to this order, the requirements for effluent discharge from the outfall are based on the April 2005 California Ocean Plan. According to the current permit, the SJCOO also currently receives effluent from the following facilities that are included in the permit: the SOCWA JBL RTP, the SMWD Chiquita WRP, the MNWD 3A Plant, the CSC WRF and the San Juan Creek GRF (SJC GRF).

Unlike the monitoring of combined effluent prescribed in the original permit, the 2006 permit requires contributions to the SJCOO to be monitored at the following locations:

M-001 At a location where representative samples of commingled effluent from all contributors to the SJCOO. The location shall be specifically be performed in the sampling vault in the Doheny State Beach Park through a sampling port in the outfall pipe

M-001A Final effluent from the SOCWA RTP and downstream of any in-plant return flows and disinfection units where representative samples of effluent treated solely at the treatment plant can be collected.

[6] NTU - Nephelometric Turbidity Units

M-001B Final effluent from the SMWD Chiquita WRP and downstream of any in-plant return flows and disinfection units where representative samples of effluent treated solely at the treatment plant can be collected

M-001C Final effluent from the MNWD 3A and downstream of any in-plant return flows and disinfection units where representative samples of effluent treated solely at the treatment plant can be collected

M-001D Final effluent from the CSC RP and downstream of any in-plant return flows and disinfection units where representative samples of effluent treated solely at the treatment plant can be collected

M-001E Brine discharge from the SJC GRF prior to mixing with any other flows directed to the Ocean Outfall

M-001F Brine discharge from the SCWD GRF prior to mixing with any other flows directed to the Ocean Outfall

M-001G Treated effluent from the Segunda Deshecha (M02) Flood Control Channel urban runoff treatment process prior to mixing with flows in the San Clemente Land Outfall

As is shown above, the 2006 version of the NPDES permit required individual monitoring of SCWD GRF effluent prior to discharge to the SJCOO. As such, the NPDES permit identified the following effluent requirements for the SCWD GRF:

**Table 3**
**Summary of SCWD GRF Effluent Discharge Requirements (Order Number R9-2006-0064)**

| Parameter | Period | Effluent Limitation | Units |
|---|---|---|---|
| TSS | Avg. Monthly | 60 | mg/L |
| Settleable solids | Avg. Monthly | 1.0 | mg/L |
| | Avg. Weekly | 1.5 | mg/L |
| | Instantaneous Max. | 3.0 | mg/L |
| Turbidity | Avg. Monthly | 75 | NTU |
| | Avg. Weekly | 100 | NTU |
| | Instantaneous Max. | 225 | NTU |

After commencement of the facility operations, SCWD received notification of compliance violations from the RWQCB. The RWQCB indicated that the GRF discharged effluent to the SJCOO with levels of turbidity, settleable solids, and total suspended solids that exceeded the discharge requirements. Following receipt of the notification of violations, SCWD temporarily terminated operations at the facility. To prevent further violations, the outflow at the GRF was redirected to a sewer lift station that contributes to the SOCWA sewage treatment facility and the SCWD GRF does not currently discharge effluent directly to the SJCOO.

## EVALUATION OF IMPACTS TO SJCOO EFFLUENT FROM GRF DISCHARGES

According to Order Number R9-2000-0013, the GRF was originally designed under the expectation that the permit thresholds applied to the combined outfall flow from the SJCOO and did not apply to individual facility contributions to the SJCOO.

To determine the effect on the SJCOO effluent from GRF discharges directly to the SJCOO, eGIS reviewed available monitoring data for the SJCOO obtained between July 2007 and July 2008. To calculate the mass of TSS contributed by each discharger to the SJCOO, the following equation was used:

$$\text{Mass TSS (kg)} = \left(\text{Avg. flow volume}_{dw} \text{ in gallons}_{dw}/\text{day}\right) \times \left(\frac{3.78 \text{ liters}_{dw}}{1 \text{ gallon}_{dw}}\right) \times \left(\frac{\text{TSS in mg}_{ss}/\text{L}_{dw}}{}\right) \times \left(\frac{1 \text{ kg}_{ss}}{10^6 \text{ mg}_{ss}}\right)$$

Where:
dw - discharge water
ss - suspended solids

Using the equation above and available monitoring data for each facility contributing to the SJCOO, an average mass of TSS per day can be calculated for each contributing facility, as summarized in the following table:

Table 4
Comparison of Contributor's Effluent Discharges to SJCOO Effluent Quality

| Facility | Average Flow (MGD)[6] | Avg. TSS in Effluent (mg/L) | Avg. Mass of TSS per day (kg/day)[7] |
|---|---|---|---|
| SJC GRF | 0.47 | 34.8 | 61.6 |
| MNWD 3A | 1.81 | 5.6 | 38.3 |
| CSC RP | 3.54 | 9.8 | 131.1 |
| SMWD CWRP | 3.65 | 15.9 | 219.4 |
| SOCWA JBL | 8.19 | 7.9 | 244.6 |
| SCWD GRF | 0.22 | 94.6 | 78.7 |

Using the information provided in the table above, an average total daily flow of 17.88 MGD with a total TSS mass of 773.9 kg/day is generated by the SCJOO including discharges from the GRF. Without the contribution from the GRF, the SJCOO would discharge a total of 17.66 MGD with a total TSS mass of 695.2 kg/day.

To calculate the average TSS in the total effluent from the SJCOO, the equation presented above was rearranged to solve for TSS, which yields the following:

[6] MGD – million gallons per day
[7] kg - kilogram

$$\left(\begin{array}{c}\text{TSS}\\ \text{in}\\ \text{mg}_{ss}/\text{L}_{dw}\end{array}\right) = \frac{\text{Mass TSS (kg)}}{\left(\begin{array}{c}\text{Avg. flow volume}_{dw}\\ \text{in gallons}_{dw}/\text{day}\end{array}\right)} \times \left(\frac{1\ \text{gallon}_{dw}}{3.78\ \text{liters}_{dw}}\right) \times \left(\frac{10^6\ \text{mg}_{ss}}{1\ \text{kg}_{ss}}\right)$$

Using this equation, the average TSS in the total effluent from the SJCOO can be calculated, yielding an average SCJOO effluent TSS of 11.5 mg/L, which is significantly less than the general effluent limitations presented in Table A of the 2005 California Ocean Plan (60 mg/L[8]). Additionally, the average TSS in the total effluent from the SJCOO without contributions from the GRF can be calculated, yielding an average SCJOO effluent TSS of 10.4 mg/L without contributions from the GRF. Therefore, discharges of effluent from the GRF directly to the SJCOO contribute only an additional 1.1 mg/L of increased TSS in the effluent from the SJCOO.

## EVALUATION OF OTHER OCEAN OUTFALL NPDES PERMITS

To determine whether differences exist in the discharge requirements for other facilities that discharge to ocean outfalls, eGIS reviewed the NPDES permits and documents for other facilities that note compliance with the 2005 California Ocean Plan. The permit conditions, discharge characteristics, and monitoring requirements for these facilities are discussed in the following sections.

### Summary of Monterey Ocean Outfall NPDES Permit

The Monterey Regional Water Pollution Control Agency (MRWPCA) discharges up to 81.2 MGD of secondary treated wastewater and brine waste from the Regional Treatment Plant (RTP) to Monterey Bay via an outfall diffuser approximately 11,260 feet offshore. This discharge is performed under NPDES permit CA004851 (Order R3-2008-0008) from the Central Coast RWQCB (Attachment A).

According to the NPDES documents, regional, commercial, and industrial wastewater is conveyed to the RTP, which is treated and comprises the majority of the secondary treated wastewater. During the dry season, treated wastewater is reclaimed by the MRWPCA facility for irrigation of farmland, greatly reducing the volume of wastewater being discharged to Monterey Bay via the outfall. The MRWPCA also accepts 30,000 to 50,000 gallons per day of brine wastes that include softener regenerant waste, groundwater nitrate removal brine and reverse osmosis brines. These brines are trucked to the RTP from businesses that would otherwise dispose these wastes to the sanitary sewer. According to Fact Sheet, Section II.E (Page F-8) of Order R3-2008-0008, the MRWPCA has recently sought to keep these brines segregated from the influent flow of the [RTP] "[t]o combat high salt concentrations in reclaimed wastewater..." because irrigation uses of reclaimed wastewater are sensitive to elevated levels of total dissolved solids (TDS). Therefore, the brine wastes are held at the RTP in a 375,000-gallon, lined holding pond and are ultimately discharged or blended with secondary treated wastewater from the RTP before being discharged to the diffuser.

[8] Average monthly effluent limitation

As noted in Order R3-2008-0008 (Attachment E, page E-4), during the dry season the facility "is recycling essentially 100% the wastewater flow less what is needed for blending with brine wastes". Under this Order, the facility blends secondary treated effluent with brine as needed to meet the permit conditions for brine waste discharges. The Order contains a single set of water quality based effluent limitations (WQBELS) that are consistent with the ocean plan, are applicable to any ratio of blended secondary effluent and brine waste flows, and dictate the amount of secondary effluent required for blending with brine waste.[9]

According to Section II "Monitoring Locations" presented in Attachment E of the NPDES permit, discharge monitoring for this ocean outfall is performed at the following locations:

INF-001 Influent wastewater with a domestic component (this excludes brine waste but includes hauled septage), prior to treatment and following all significant inputs to the collection system or the headworks of untreated wastewater and inflow and infiltration

INF-002 Influent brine waste via haulers to the brine waste storage facility prior to blending with secondary effluent as applicable

EFF-001 Locations where representative sample of effluent, which includes any component of brine waste, discharge through the ocean outfall can be collected, after treatment and chlorination/dechlorination and before contact with receiving water

RSW-A Shoreline monitoring station – 900 feet north of the outfall, 1,000 feet offshore

RSW-B Shoreline monitoring station – adjacent to the outfall, 1,000 feet offshore

RSW-C Shoreline monitoring station – 900 feet south of the outfall, 1,000 feet offshore

RSW-D Shoreline monitoring station – 1,800 feet south of the outfall, 1,000 feet offshore

Section IV of Attachment E further clarifies that "...brine waste samples shall be collected as grab samples and manually composited per the Discharger's current brine waste and outfall facility configuration and sampling protocols..." Based on this and the monitoring points identified in the NPDES documentation, although brine influent is sampled, brine effluent from the RTP is not monitored individually, but is instead monitored as part of the total blended effluent at location EFF-001.

According to Section VI.C.2.o "Brine Waste Disposal Study" presented in the NPDES permit, prior to performing the planned increases in the brine discharge volume, the discharger will complete a Brine Waste Disposal Study that includes the following elements: "...(1) a projection of the brine volume and characteristics; (2) an assessment

[9] Central Coast RWQCB Staff report for regular meeting of March 20-21, 2008

of the impact of the increased brine volume on permit compliance; [and] (3) an assessment of the impact of the increased brine volume on the minimum probable initial dilution at the point of discharge...". Based on this, the impact of the brine waste as a component of the overall discharge has been considered in the development of the discharge requirements.

**Summary of Oceanside Ocean Outfall NPDES Permit**

The City of Oceanside operates a Brackish Groundwater Desalination Facility (BGDF) that treats groundwater extracted from the Mission Hydrologic Subarea for potable uses. The facility provides treatment consisting of pH adjustment, filtration, and demineralization by reverse osmosis. The BGDF has a design capacity of 6 MGD of final potable water, which results in 2 MGD of waste brine; however, in 2003, the average daily flow of waste brine from BGDF was 0.7 MGD. The BGDF disposes the waste brine to the Oceanside Ocean Outfall (OOO) under NPDES Permit CA0107433 (Order Number R9-2005-0136) (Attachment B), which is managed by the San Diego Office of the RWQCB. Waste effluent from the San Luis Rey Wastewater Treatment Plant (SLRWTP) and La Salina Wastewater Treatment Plants (LSWTP) is also discharged to the OOO under this NPDES permit. Discharges from these facilities and the BGDF are also commingled with discharged from the Fallbrook Public Utility District, US Marine Corps Base Camp Pendleton and the Biogen IDEC Pharmaceuticals Corporation. According to the NPDES permit, monitoring to the OOO is performed at the following locations:

M-INF1 At a location where all influent flows to SLRWTP are accounted for in monitoring events; upstream of any in-plant return flows; and where representative samples of influent can be collected.

M-INF2 At a location where all influent flows to LSWTP are accounted for in monitoring events; upstream of any in-plant return flows; and where representative samples of influent can be collected.

M-001 Downstream of any in-plant return flows at SLRWTP where representative samples of effluent treated solely at SLRWTP can be collected.

M-002 Downstream of any in-plant return flows where representative samples of effluent treated solely at LSWTP can be collected.

M-003 Outfall 001 At a location where representative samples of commingled effluent from SLRWTP, LSWTP, BGDF and Biogen IDEC Pharmaceuticals Corp. can be collected before combining with wastewaters from Fallbrook Public Utility District and US Marine Corp Base Camp Pendleton.

Based on Order Number R9-2005-0136, waste brines generated by BGDF are discharged directly to the OOO and monitored for compliance with effluent limitations at M-003 after commingling with other dischargers.

## CLOSING REMARKS

Based on eGIS's review, the following conclusions were found:

- Based on calculations using monitoring data, discharges of effluent from the GRF directly to the SJCOO would contribute only an additional 1.1 mg/L of increased TSS in the effluent from the SJCOO. Additionally, the calculated average TSS in the combined effluent from the SJCOO would be 11.5 mg/L, which is significantly less than the general effluent limitations presented in Table A of the 2005 California Ocean Plan (60 mg/L). Therefore, the additional 1.1 mg/L contributed by the SJCOO does not appear to significantly affect the combined effluent from the outfall.

- Based on a review of other NPDES permits and waste discharge orders for facilities that dispose to ocean outfalls, variations exist in the monitoring and sampling location requirements for the contribution of brine to other ocean outfalls. Specifically, blending of brine waste with treated wastewater is permitted at the MRWPCA RTP to achieve the outfall effluent requirements and waste brines generated by Oceanside BGDF are monitored for compliance with effluent limitations after commingling with other discharges to the ocean outfall.

Sincerely,

Dwight R. Mudry, Ph.D.
Environmental Specialist

Sarah L. Denton, PG CEM
Environmental Specialist

Attachments:

A MRWPCA NPDES Permit CA004851 (Order R3-2008-0008)

B Oceanside Ocean Outfall (OOO) NPDES Permit CA0107433 (Order R9-2005-0136)

# ATTACHMENT 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

1.

DEC 08 2004

David Hanson
Water Resource Control Engineer
California Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Dear Mr. Hanson:

The U.S. EPA appreciates the opportunity to comment on the Tentative Addendum No. 3 to Order No. 2001-08, NPDES No. CA0107611; Waste Discharge requirements for the South Orange County Wastewater Authority discharge to the Pacific Ocean through the Aliso Creek outfall, Orange County (ACOO). The U.S. EPA supports the adoption of Addendum #3, Finding No. 10; the clarification that each wastewater treatment facility must meet the technology-based effluent limitations for municipal dischargers, set forth in 40 CFR Part 133 for TSS, $CBOD_5$ and pH. Finding No. 10 would read, upon adoption, as follows:

> "Technology-based effluent limitations for total suspended solids (TSS), 5-day carbonaceous biochemical oxygen demand ($CBOD_5$), and pH specified in 40 CFR Part 133 apply to each individual municipal sewage treatment facility discharging to the ACOO, preventing poorly performing facilities from circumventing technology-based secondary treatment standards (as set forth in 40 CFR Part 133) through dilution and preventing the discharge of toxic materials causing exceedance of the water quality objectives set forth in the California Ocean Plan. This is consistent with USEPA interpretation of 40 CFR Part 133 as it applies to multiple municipal wastewater treatment facilities sharing common outfalls and with other similar permits issued by other Regional Boards within California."

We understand that the discharger prefers the point of compliance be determined at the outfall, however we support the Regional Board's determination that compliance should be determined at the individual treatment plants. Secondary treatment is a technology-based standard and should be met after the treatment process. According to the Clean Water Act (CWA), all publicly owned treatment works (POTWs) must meet effluent limitations for secondary treatment (CWA 301 (1)(b)(1)(B), 33 U.S.C. 1311(b)(1)(B)).

Determining compliance with secondary treatment requirements only at the outfall is inappropriate because the outfall does not meet the definition of a POTW. A POTW is defined in 40 CFR 122.2 and 403.3 as "any systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey waste to a POTW

Treatment Plant." Because the ACOO does not convey waste to a treatment plant, the outfall is not included within the definition of a treatment plant. Thus, the effluent should be measured and compliance determined subsequent to secondary treatment at each treatment plant. Furthermore, technology-based requirements are to be met with treatment technology, not non-treatment such as flow augmentation (40 CFR 125.3 (3)) or dilution that could occur as various effluents mix in the outfall.

Thank you, again, for the opportunity to comment on the adoption of Addendum #3. Please contact Nancy Yoshikawa at (415) 972-3535, or Kim Driver at (415) 972-3539 if you have any questions.

Sincerely,

Douglas E. Eberhardt, Chief
CWA Standards and Permits Office

# ATTACHMENT 4

SOCWA
South Orange County Wastewater Authority

September 27, 2007

John H. Robertus
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA. 92123

SUBJECT: AUGUST 2007 SUMMARY OF MONITORING OF ORDER NO. R9-2006-0054, NPDES NO. CA0107417

Dear Mr. Robertus:

Five permit limits were exceeded at the South Coast Water District Groundwater Recovery Facility, monitoring location M-001F. The facility started preliminary test operations August 1, 2007. During this testing period, all RO brine, filter backwash, and product water was discharged to the San Juan Creek Ocean Outfall. The required monthly monitoring was performed on the discharge. The monthly average limits for suspended and settleable solids were both exceeded. All three turbidity limits were also exceeded. The South Coast Water District (SCWD) believes the sampling methodology used to collect the August monthly composite sample was in error. A review of the Groundwater Recovery System indicates that a more representative sample may be obtained from a standpipe which receives all of the component flows prior to discharge to the Chiquita Land Outfall. The August test results are substantially higher than the feed water from the source well. A sample station will be established at the standpipe where the flows are more homogeneous. SCWD has also indicated that they will conduct more frequent sampling during the month.

The anticipated start date for the City of San Clemente Segunda Deshecha Flood Control Channel runoff treatment process has been extended to December 2007.

All bacterial objectives, except one total coliform single sample maximum, were exceeded at surfzone monitoring station C1. Single sample fecal coliform objectives were exceeded twice at S15 and once at S19. Single sample enterococcus objectives were exceeded once at S3 and six times at S15; the 30-day geometric mean objective was also exceeded at S15. These sites are located in or adjacent to large urban runoff channels. SOCWA's discharge from the outfall is not believed to be the cause of these exceedances. At no time during August was there any surface water at Upper San Juan Creek monitoring station C2.

Section V.A. calls for calculation of a 30-day geometric mean using the five most recent samples from each surfzone monitoring site. Because Order R9-2006-0054 requires more frequent monitoring of the surfzone, all values for the month, for each site, were used to calculate the 30-day mean.

Sincerely,

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Thomas R. Rosales
General Manager

34156 Del Obispo Street • Dana Point, CA 92629 • Phone: (949) 234-5400 • Fax: (949) 489-0130 • Website: www.socwa.com

South Orange County Wastewater Authority NPDES No. CA0107417

DISCHARGE: San Juan Creek Ocean Outfall SAMPLED BY: ECO Resources
REPORT FOR: August 2007 ANALYZED BY: Sierra Analytical
REPORT DUE: October 01 2007
AMPLE SOURCE: SCWD GRF Brine/Backwash/Product SAMPLE POINT: M-001F

| | Flow | Suspended Solids | Turbidity | Oil & Grease | pH | Settleable Solids |
|---|---|---|---|---|---|---|
| Sample Type | | 24-HC | 24-HC | Grab | Grab | Grab |
| Method | Meter | EPA 160.2 | EPA 180.1 | EPA 413.1 | EPA 150.1 | EPA 160.5 |
| Units | MGD | mg/L | NTU | mg/L | Standard Units | ml/L |
| Mo. Avg. Limit | | 60 | 75 | 25 | 6.0 to 9.0 | 1.0 |
| Aug-01 | 1.14 | | | | | |
| Aug-02 | 1.14 | | | | | |
| Aug-03 | 1.14 | | | | | |
| Aug-04 | 1.14 | | | | | |
| Aug-05 | 1.14 | | | | | |
| Aug-06 | 1.14 | | | | | |
| Aug-07 | 1.14 | | | | | |
| Aug-08 | 1.14 | | | | | |
| Aug-09 | 1.14 | | | | | |
| Aug-10 | 1.14 | | | | | |
| Aug-11 | 1.14 | | | | | |
| Aug-12 | 1.14 | | | | | |
| Aug-13 | 1.14 | | | | | |
| Aug-14 | 1.14 | | | | | |
| Aug-15 | 1.14 | | | | | |
| Aug-16 | 1.14 | | | | | |
| Aug-17 | 1.14 | | | | | |
| Aug-18 | 1.14 | | | | | |
| Aug-19 | 1.14 | | | | | |
| Aug-20 | 1.14 | | | | | |
| Aug-21 | 1.14 | | | | | |
| Aug-22 | 1.14 | | | | | |
| Aug-23 | 1.14 | 119 | 260 | | | |
| Aug-24 | 1.14 | | | 2.90 | 7.06 | 1.4 |
| Aug-25 | 1.14 | | | | | |
| Aug-26 | 1.14 | | | | | |
| Aug-27 | 1.14 | | | | | |
| Aug-28 | 1.14 | | | | | |
| Aug-29 | 1.14 | | | | | |
| Aug-30 | 1.14 | | | | | |
| Aug-31 | 1.14 | | | | | |
| Monthly Average | 1.14 | 119 | 260 | 2.90 | 7.06 | 1.4 |

Comments: The facility began start-up operations with all RO Brine, filter backwash, and product water being discharged to the SJCOO.

# ATTACHMENT 5

SOCWA
South Orange County Wastewater Authority

October 29, 2007

John H. Robertus
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA. 92123

SUBJECT: SEPTEMBER 2007 SUMMARY OF MONITORING OF ORDER NO. R9-2006-0054, NPDES NO. CA0107417

Dear Mr. Robertus:

There were six exceedences of Order R9-2006-0054 effluent limits during October.

One settleable solids analysis at the Santa Margarita Water District Chiquita Water Reclamation Plant, monitoring location M-001B, had a value of 4.0ml/L; the instantaneous maximum limit is 3.0ml/L. Bob Jordan, Water Quality Manger for SMWD, notified Joann Cofrancesco of the violation on September 19th; the cause of the high result is unknown.

Five permit limits were exceeded at the South Coast Water District Groundwater Recovery Facility, monitoring location M-001R. The facility discharged RO brine, filter backwash, and product water to the San Juan Creek Ocean Outfall. The monitoring results from the facility exceed the settleable solids instantaneous limit, and the weekly and monthly average settleable solids and turbidity limits. Since the samples were collected, SCWD has redesigned the sampling location in order to obtain what they believe will be samples more representative of the discharge. The plant has been off-line since the change to the sampling location.

The anticipated start date for the City of San Clemente Segunda Deshecha Flood Control Channel runoff treatment process is December 2007.

All bacterial objectives, except one total coliform single sample maximum, were exceeded at surfzone monitoring station C1. The C2 site was dry for the first three weeks of monitoring; two samples collected the last week of the month exceeded all bacterial objectives. Single sample fecal coliform objectives were exceeded S0, S1, S2, S3 and S5. Single sample enterococcus objectives were exceeded at S0, S1, S2, S3 S3, S7, S9, S11, and S13; the 30-day geometric mean objective was also exceeded at S15. These sites are located in or adjacent to urban runoff channels. SOCWA's discharge from the outfall is not believed to be the cause of these exceedances.

Section V.A. calls for calculation of a 30-day geometric mean using the five most recent samples from each surfzone monitoring site. Because Order R9-2006-0054 requires more frequent monitoring of the surfzone, all values for the month, for each site, were used to calculate the 30-day mean.

Sincerely,

SOUTH ORANGE COUNTY WASTEWATER AUTHORITY

Thomas R. Rosales
General Manager

34156 Del Obispo Street • Dana Point, CA 92629 • Phone: (949) 234-5400 • Fax: (949) 489-0130 • Website: www.socwa.com

South Orange County Wastewater Authority NPDES No. CA0107417

DISCHARGE: San Juan Creek Ocean Outfall SAMPLED BY: EDD Resources
REPORT FOR: September 2007 ANALYZED BY: Sierra Analytical
REPORT DUE: November 01 2007
AMPLE SOURCE: SCWD GRF Brine/Backwash/Product SAMPLE POINT: M-001F

| | Flow | Suspended Solids | Turbidity | Oil & Grease | pH | Settleable Solids |
|---|---|---|---|---|---|---|
| Sample Type | | 24-HC | 24-HC | Grab | Grab | Grab |
| Method | Meter | EPA 160.2 | EPA 180.1 | EPA 413.1 | EPA 150.1 | EPA 160.5 |
| Units | MGD | mg/L | NTU | mg/L | Standard Units | ml/L |
| Mo. Avg. Limit | | 60 | 75 | 25 | 6.0 to 9.0 | 1.0 |
| Sep-01 | 1.14 | | | | | |
| Sep-02 | 1.14 | | | | | |
| Sep-03 | 1.14 | | | | | |
| Sep-04 | 1.14 | | | | | |
| Sep-05 | 1.14 | | | | | |
| Sep-06 | 1.14 | | | | | |
| Sep-07 | 1.14 | | | | | |
| Sep-08 | 1.14 | | | | | |
| Sep-09 | 1.14 | | | | | |
| Sep-10 | 1.14 | | | | | |
| Sep-11 | 0.90 | | | | | |
| Sep-12 | 1.14 | | | | | |
| Sep-13 | 0.33 | | | | | |
| Sep-14 | 0.00 | | | | | |
| Sep-15 | 0.00 | | | | | |
| Sep-16 | 0.00 | | | | | |
| Sep-17 | 0.67 | | | | | |
| Sep-18 | 1.14 | | | | | |
| Sep-19 | 1.14 | | | | | |
| Sep-20 | 1.14 | | | | | |
| Sep-21 | 1.14 | | | | | |
| Sep-22 | 1.14 | | | | | |
| Sep-23 | 1.14 | | | | | |
| Sep-24 | 1.14 | | | | | |
| Sep-25 | 0.46 | | | | | |
| Sep-26 | 0.79 | 73.0 | 204 | | | |
| Sep-27 | 1.14 | 35.0 | 141 | 2.6 | 7.11 | 3.2 |
| Sep-28 | 0.94 | | | | | |
| Sep-29 | 0.94 | | | 1.4 | | 0.2 |
| Sep-30 | 0.94 | | | <2.0 | 7.42 | <0.1 |
| Monthly Average | 0.92 | 54.00 | 173 | 1.33 | 7.27 | 1.1 |

Comments: The facility is discharging RO Brine, filter backwash, and product water to the SJCOD.

# ATTACHMENT 6

# MILES CHEN LAW GROUP

## Legal Transcription

[START DS3000069.WMA]

MR. WRIGHT: 12 administrative assessment of civil liability, South County Wastewater Authority, South County Coast Water District Ground Water Recovery Facility. And before I read a lengthy statement I would like to offer Mr. Rayfield the opportunity to make a brief statement of recusal.

MR. RAYFIELD: thank you Chairman Wright. I was elected to the Board of Directors from the South Coast Water District last November, and I serve in that capacity now, and since they are a named party in this complaint, I need to recuse myself from the discussion.

MR. WRIGHT: Thank you for that statement. Anybody else need to make a statement? Okay, all right.

MR. RAYFIELD: Give me a minute to clear the room.

MR. WRIGHT: If you would. With, with your indulgence, I would like to read about a two page statement regarding this hearing. Again this is administrative civil liabilities against the South County Wastewater Authority,

South Coast Water District Groundwater Recovery Facility. This is the time and place for a public hearing to consider issuance of an order for administrative civil liability to South Orange County Wastewater Authority for violation of Regional Board Order R9-2006-0054. This hearing will be conducted in accordance with the hearing procedures published with the meeting agenda, and with the applicable notice of public hearing. For this hearing, the functions of council and staff are as follows: Catherine George Hagan, attorney with the State Water Board's office the Chief Counsel, will provide legal advice to the Regional Board. John Robertus, Executive Officer, will also advise the Regional Board and may offer a recommendation to the Regional Board at the conclusion of the hearing. Myumi Okamoto [phonetic], attorney with the State Water Board's Office of Enforcement, welcome,—will provide legal advice to the Regional Board's prosecution team. Michael McCann, Assistant Executive Officer, is assigned work with the prosecution team in this matter, as is Jeremy

Haas, Enforcement Coordinator. At this time, evidence should be introduced on the following issues. One, whether Oran--whether South Orange County Wastewater Authority has violated effluent limits established in Regional Board Order number R9-2006-0054, and whether the alleged violations are subject to the proposed mandatory minimum penalties alleged in the ACL complaint. And, two, whether the Board should order South Coun--South Orange County Wastewater Authority to pay $2,004.00 in mandatory minimum penalties. All persons expecting to testify, please stand at this time, raise your right hand, and take the following oath, so if you would please stand, all those expecting to testify. Do you swear the testimony you're about to give is the truth, and if so, answer I do. Thank you very much. Designated parties are as follows: Regional Board prosecution staff and the South C--Orange County Wastewater Authority. Each designated party will be allowed a total of 30 minutes during this hearing to testify, present evidence, and cross examine witnesses. Cross examination of another.

designated party will count toward a party's 30 minutes. The parties may use their time as they choose. An additional five minutes will be allotted to each designated party for closing statements. A Chair may modify these procedures and time allocations as needed and upon request. The timer will be adjusted to show the time remaining for the party speaking. At the discretion of the Chair, the timer may be stopped for procedural questions, questions from Board Members, or other causes. Interested persons shall have three minutes to present non-evidentiary policy statements, and Mr. King to my right, will be using the timer to keep track of, of how much time is used. The order of this hearing is as follows. One, testimony by prosecution staff followed by cross examination of pru--prosecution staff, if any, testimony by South Orange County Wastewater Authority, followed by cross examination of SOCWA.--If it's okay, I'll use that uh short terminology, instead of say--saying South County Orange Wastewater Authority each time. Comments by interested persons, and closing statement by

SOCWA and then, closing statement by prosecution staff. If you would when you come to the podium please state your name, address, affiliation, and indicate whether you've taken the oath before testifying. So let's begin with testimony by staff. So who speaks for staff at this time? And I see--

MALE VOICE 1: [Interposing] Jeremy Haas will.

MR. WRIGHT: --Mr. Jeremy Haas who is dapper, as usual, coming to the podium so.

MR. HAAS: Thank you. Okay. Good after, Chairman Wright and Members of the Board. My name is Jeremy Haas, and I am a senior environmental scientist in the Compliance Assurance Unit, and I have taken the oath. I will present information today for Item 12, which is a tentative order for administrative assessment of mandatory minimum penalties. I am joined today by Myumi Okamoto from the State Water Board's Office of Enforcement, who has assisted us on this matter. And at this time, I'd like to enter the--our files in--on the order into the administrative record. Now, we

are here today because Tentative Order number R9-2009-0048 would impose liability against the South Orange County Wastewater Authority, SOCWA, for allegations within complaint number R9-2009-0028. We have a revised Tentative Order in the supplemental package, as supporting document number six, and this is the order we're asking you to consider today. The allegations are for violations of effluent limitations in Order number R9-2006-0054, which is the NPDE--NPDES permit for waste discharge requirements for the South Orange County Wastewater Authority discharged to the Pacific Ocean via the San Juan Creek Ocean Outfall in Orange County. First, I'd like to go over the roster a little bit. The NPDES permit is issued to SOCWA, the South Orange County Wastewater Authority, and SOCWA is a joint powered authority of ten member agencies, and it retains the San Juan Ocean Outfall NPDES permit, on behalf of the member agencies, one of which is the South Coast Water District. The South Coast Water District owns and operates the facility that is subject to the MMPs. This is the groundwater recovery

facility. You may hear from both agencies today. This is a straightforward case. The prosecution staff is recommending that you do two things, first, that you find that violations of the NPDES permit did, in fact, occur, and second, that those violations are subject to the mandatory minimum penalties, as ascribed in the complaint, and I'll ask, third, that you actually adopt the Tentative Order. SOCWA and South Coast Water District do not refute the violations. They will try to persuade you that the MMPs should not be assessed. However, the statute is clear, and does not provide the Board with that flexibility. So, first, I'm going to summarize the alleged violations and the complaint, and why mandatory minimum penalties, which I'll refer to often as MMPs do apply in this case. Ms. Okamoto is available to elaborate on the statutory and legal issues raised by SOCWA in its evidentiary submittal, which is supporting document number five. We've also provided you with a preliminary evaluation of those arguments in the supplemental mailing as supporting document number seven. The

supplemental mailing also included our motion to strike certain evidence submitted by SOCWA, and it also included SOCWA's opposition to our motion. Those are supporting documents number eight and nine in the supplemental age--agenda package, respectively. In short, the prosecution staff objected to SOCWA's attempt to argue the appropriateness of the NPDES permit provisions today because this hearing concerns the assessment of mandatory minimum penalties, and is not the proper forum for arguing permit provisions. Ms. Hagan agreed and issued a ruling that sections three and four of SOCWA's evidentiary submittal are not relevant to the MMPs, to the assessment of MMPs. I'm now going to pass out a copy of that ruling. I'd like to enter it into the administrative record as Supporting Document number ten. I've provided additional copies in the back of the room for the public. As that's passed around I'd like to provide Ms. Hagan with a few moments to maybe elaborate on the ruling, if she'd like to. Otherwise, I can briefly summarize it and she can provide some explanation--okay, at any--at

any point along the day.

MS. CATHERINE HAGAN: I think it might be just worth the Board Members just taking a quick look at it. It's fairly short and I'm happy to answer any questions, if it--if something is unclear.

MR. GARY THOMPSON: I do have a question, when--

MR. WRIGHT: [Interposing] Mr. Thompson, go ahead.

MR. THOMPSON: Well, one of the--one of the issues, and I know it's going to be probably discussed as part of the presentation and everything, but as I read through the information, it appeared to me that part of the dilemma we have facing us is not so much non-compliance from a purposeful matter, as far as the violations that occurred, but, but the chain of events, based on the original NPDES permit that was issued kind of led to that because they were walking into ground that they really weren't sure about yet. and as I read this, it, it appears that there's, there's going to be some discussion concerning at what point in time

the violation should have actually be effective, versus what we've, we've recommended here, based on the, the SOCWA's when they stopped the processing plant to start addressing the issues that it uncovered that they didn't really recognize when they started, which led to the violation, so I guess my question is, in this particular case, under normal circumstances, I would certainly agree that, that, that that would be the correct course of action, but I'm just wondering if there's enough nexus there between the initial permit, what was permitted to do, and what happened, and now, maybe why that whole permit issue isn't necessarily to revisit the permit, itself, but at least allow the discussion of the permit as part of this process, so that we can have a clear understanding of how we got to where we are, and that would be the, the real question.

MR. WRIGHT: Ms. Hagan?

MS. HAGAN: excuse me. Because I, I recommended that the ruling and, actually, ruled that the, the material remain in the record. I, I think it's per--perfectly appropriate for you

to discuss them however with the understanding that, that the MMP statute is fairly clear, and you'll hear from the prosecution team and from the discharger about that statute today but I think if you are, are just talking about the underlying permit and the series of events to see how, how you, you know, the party arrived-- how the discharger arrived at where they are today I, I think that's perfectly appropriate.

MR. THOMPSON: Thank you.

MR. WRIGHT: Okay. Mr. Haas, could you continue?

MR. HAAS: Sure. The ruling effectively prohibits SOCWA from arguing whether the NPDES permit provisions are appropriate, as you consider whether to assess the mandatory minimum penalties. as indicated in the ruling, were you to consider imposing discretionary penalties, in addition to the MMPs, then the Board could base its evaluation on a number of factors, ~~in~~cluding other matters as justice may require, however, the prosecution staff is not recommending any discretionary liability be assessed, only the mandatory minimum penalties required by the

statute. Therefore, the appropriateness of the provisions set forth in the NPDES permit are not relevant to the consideration of the Tentative Order. As a result, we're going to focus our presentation today on whether the violations occurred and whether the MMPs apply. So now, I'm going to go into the violations within the complaint. The complaint alleges turbidity, total suspended solids, and settle--settle-able solids effluent limitations were exceeded in the discharge of brine from the groundwater recovery facility to the San Juan Ocean Outfall. The violations occurred over a period of about 15 months from August, 2007, through October, 2008, and they were identified to the Regional Board in discharge monitoring reports submitted per the terms of the NPDES permit. Copies of the relevant monitoring report pages are an attachment to the complaint. They're attachment number two to the complaint, and the complaint is one of the supporting documents in the original agenda package. The Tentative Order includes a summary of these violations and the recommended penalties in attachment one. This

violation table also summarizes the applicable effluent limitations. Those effluent limitations in the table are excerpted from the NPDES Order, itself, which is in supporting document five as Exhibit C. Briefly, the NPDES permit establishes technology based effluent limitations, based on the California Ocean Plan of the Ocean Outfall, and also, for each facility that discharges directly into it. The technology based effluent limitations were established for the two non-municipal wastewater treatment facilities that discharge into the Outfall, including the groundwater recovery facility's brine discharge, and also, an urban runoff treatment facility in the City of San Clemente because they are considered industrial discharges, for which effluent guidelines have not been established, they are, therefore, subject to the Table A effluent limitations contained in the California Ocean Plan. Weekly monitoring requirements were also established in the NPDES Order, to ensure compliance with those effluent limitations and to collect date for use during the next permit reissuance, which is

currently scheduled for 2011. The NPDES permit was adopted in August of 2006 by a unanimous vote of the Board, following a public hearing, and it became effective on October 1, 2006, approximately ten months before the alleged violations occurred. Next, why the violations are subject to the mandatory minimum penalties, the 68 violations in the Tentative Order are subject to MMPs under California Water Code, Section 13385 H and I, as described in finding five and table one of the Tentative Order. 58 of the violations are subject to mandatory minimum penalties, under Section 13385 H, and they are identified as serious in the table because effluent concentrations exceeded the respective effluent limitations by 40% or more. The ten other violations are subject to MMPs, under Water Code, Section 13385 I because, while they did not exceed their effluent limit by 40%, each was the fourth or higher effluent limitation violation within a six month period. We sometimes refer to these as the chronic MMPs. None of these 68, in total, are subject to any of the narrowly defined statutory exemptions.

Findings six and seven in the Tentative Order describe specifically why the two exemptions sought by SOCWA do not apply in this case. Later, in response to SOCWA's presentation, Ms. Okamoto plans to further discuss the statutes and the legal arguments. In the meantime, I'm going to move on to the Revised Tentative Order, and the proposed Supplemental Environmental Project, or SEP. Again, the Revised Tentative Order is supporting document number six in the supplemental package. I have a few extra copies, if you'd like them, and I have also placed a number of copies on the back table there. This Ten--Revised Tentative Order was provided to the dischargers and posted online last week, when it was provided to you in the supplemental mailing. Okay. There are a couple of minor edits, but the most significant revision is the inclusion of a Supplemental Environmental Project, a SEP. Two SEP proposals were submitted to us on April 24th, and they were included in your original mailing within supporting document five as Exhibits F and G. At the time of the first mailing to you, we had

not completed our review of the SEP applications. At this point, following our review, we are now recommending that you accept the one titled Bite '08 Rocky Reef Study. This SEP would provide $109,500.00 to the Southern Califor--Southern California Coastal Water Research Project, SCCWRP, for a survey and assessment of the Rocky Reefs and the Bite, several of which are within our region, including the shore off of South Orange County. A representative from SCCWRP is here today, if you have any questions. This amount is equal to the maximum amount that the statute provides can be directed towards a supplemental environmental project within a mandatory minimum penalty. The Revised Tentative Order also includes a schedule of submittals which the Regional Board staff would use to make sure that the project is on track and completed as proposed. I'm now going to wrap up my presentation by saying that because the effluent violations did occur, the question for us became are they subject to mandatory minimum penalties. Clearly, they are, and further, none of the statutory MMP

exemptions apply in this case. Next, you're going to hear from SOCWA and South Coast Water District, who have, nonetheless, suggested that MMPs should not be imposed. We expect their arguments will be most--mostly legal ones, so following their presentation, Ms. Okamoto will lead the prosecutions staff's rebuttal. In the meantime, and before I lower the projection screen for SOCWA and South Coast, I'll gladly field any questions about the complaint or the Tentative Order.

MR. WRIGHT: Any questions, comments? Okay. Thank you, Mr. Haas. Ms. Chen or who's--I have three speaker slips Ms. Chen, Patricia Chen, Mr. Michael Dunbar, and Mr. Tom Rosales.

MR. TOM ROSALES: I am Tom Rosales and, uh--

MR. WRIGHT: [Interposing] So you'll be speaking first and--

MR. ROSALES: [Interposing] First and we're going to--yeah, we're going to stage this, if you don't mind.

MR. WRIGHT: That's fine.

MR. ROSALES: Good morning Members of the Regional Board. As I indicated, my name is Tom

Rosales. I'm the General Manager for--I'll use the acronym SOCWA, South Orange County Wastewater Authority, and I thank you this morning for giving us the opportunity to speak before you on this matter. I'm going to make some brief opening comments, and then, turn it over to Ms. Chen for the Power Point presentation you see on the screen, and then, we're going to ask Mr. Dunbar from South Coast Water District to make some closing comments. As indicated, but to present to you from our perspective of who SOCWA is, we're a regional wastewater agency. We have nine POTWs, wastewater facilities connected to either one of two ocean outfalls. Each of our facilities meets at least secondary treatment effluent standards and quite a few of our facilities actually produce recycled water, as well. Combined, in fact we produce about 17,000 acre feet per year of recycled water in our system. Our mission as an agency, and we try to meet every day is to meet all our environmental regulatory obligations and, you know, nobody's perfect, neither are we, but our record is

pretty good, and we feel pretty good that we meet the technical and performance--performances that we set out for ourselves, and we have several awards to go along with that. I can tell you that in my time working for SOCWA just a few years ago, managing a regional wastewater authority meant just that. We dealt with primarily wastewater issues but as you saw in the presentation on the Poseidon issue, that the picture is a little blurred now, and that that relates to us, as well. we commonly now deal with issues related to storm water issues, runoff issues the brine issue that we're dealing with today, so i--it--it's really a water management issue, now, that, that we're dealing with. Not long ago, we, we only had POTWs in our system. That's all we dealt with. We had the two ocean outfalls, but we now have three groundwater facilities in our system operated by our member agencies, and they do discharge the brine into, like I said, either one of the two outfalls. And it's no secret, as you saw in the presentation before, that California has a pretty significant water crisis

and local member agencies that we have in our system are looking for ways to augment and bring in local water supply projects, and we obviously try to support them in that and we advocate for that, as well. When we first started working with the regional board on the first groundwater facility that had brine that needed to go into our outfall several years ago we started working with the staff here. I c--I can't I can't say confidently whether or not the staff here had dealt with that issue before, so it was new to us. I think it was new to them. but because of the nature of the groundwater origin, it was pretty clear to me, I'm not an engineer, that it was a policy issue, in terms of how you dealt with these things and I won't--I won't go belabor the issue, but we'll cover that, somewhat, in our--in our presentation, but that, that is a significant issue to us. It really, truly is a policy issue, and it doesn't conveniently fit into what traditionally has been a POT--POTW system. What we hope to accomplish today is to present our case. Not long ago, I, I addressed this very

Board, a few meetings ago, on, on what's happening in Orange County on the recycle end of things saw a presentation by what's happening on the inland empire area, as well, and what I heard from this Board and from some of the members in the audience, at that point, was a need to advocate for some flexibility because, as I stated earlier in my comments, what we're dealing with today is a little untraditional. It's not just wastewater. It's not just water. The issues kind of are o--overlapping each other, and so, there needs to be some flexibility in policies. There needs to be some thought put into this. We're dealing with a lot of different development type issues in the industry, as I pointed off, runoff issues, and brine, and so forth, and there needs to be some, some thought put to that. We believe our issue falls into that category, and I'm, I'm hoping the Board takes up the issue of how to handle these things from a policy point of view. I would disagree with Mr. Haas' comment that this is pretty straightforward. It ties into my point of this is a policy issue, regionally and